

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 6799

IN THE MATTER OF:

Served September 3, 2002

PARAMED MEDICAL TRANSPORTATION,)
INC., WMATC No. 206, Investigation)
of Violation of Regulation No. 61)

Case No. MP-2002-50

This investigation was initiated on June 27, 2002, in Order No. 6721 for the purpose of determining whether respondent has violated Regulation No. 61. Regulation No. 61 requires each WMATC carrier to display on both sides of each revenue vehicle the vehicle owner's name and the carrier's name and WMATC number. The markings must be legible from a distance of fifty feet.

The order directed respondent to produce all revenue vehicles for inspection by Commission staff within thirty days and ordered respondent not to operate any vehicle that failed inspection unless and until such vehicle passed reinspection by staff. The order further provided that Certificate No. 206 would stand suspended and be subject to revocation without further notice upon respondent's failure to timely comply with the order's requirements.

Respondent furnished a list of eleven vehicles on July 17, 2002. Respondent's insurance company furnished a list of twenty-three vehicles on July 30, 2002.

Respondent presented five vehicles for inspection within the thirty day time period and five vehicles thereafter. None were in compliance with Commission Regulation No. 61.¹

Accordingly, Certificate No. 206 stands suspended pursuant to Order No. 6721. Respondent shall have thirty days to show cause why Certificate No. 206 should not be revoked. Respondent also shall have thirty days to show cause why the Commission should not assess a civil forfeiture against respondent for violating Regulation No. 61 and failing to comply with Order No. 6721.

A person who knowingly and willfully violates a provision of the Compact, or a rule, regulation, requirement or order issued under it, or a term or condition of a certificate shall be subject to a civil forfeiture of not more than \$1,000 for the first violation and not more than \$5,000 for any subsequent violation.²

¹ Staff's inspection revealed that each vehicle displayed an incomplete carrier name and a WMATC number only two inches high. Markings only two inches high do not meet the fifty-foot legibility requirement. In re Great American Tours, Inc., & The Airport Connection, Inc. II, & Airport Baggage Carriers, Inc., No. MP-96-54, Order No. 5007 (Jan. 23, 1997).

² Compact, tit. II, art. XIII, § 6(f)(1).

The term "knowingly" means with perception of the underlying facts, not that such facts establish a violation.³ The term "willfully" does not mean with evil purpose or criminal intent; rather, it describes conduct marked by careless disregard whether or not one has the right so to act.⁴

THEREFORE, IT IS ORDERED:

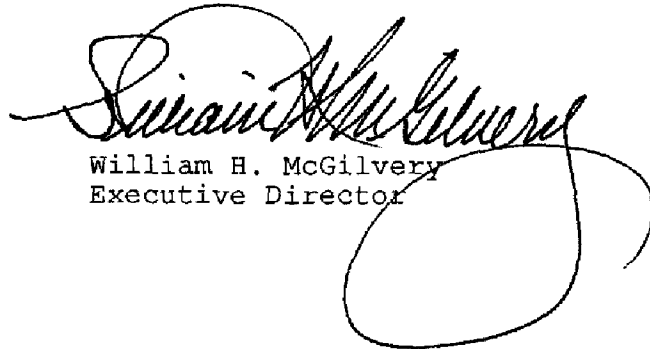
1. That Certificate of Authority No. 206 stands suspended pursuant to Order No. 6721.

2. That respondent shall have thirty days to show cause why Certificate No. 206 should not be revoked.

3. That respondent shall have thirty days to show cause why the Commission should not assess a civil forfeiture against respondent for knowingly and willfully violating Commission Regulation No. 61 and failing to comply with Order No. 6721.

4. That respondent may file within 15 days from the date of this order a request for oral hearing, specifying the grounds for the request, describing the evidence to be adduced and explaining why such evidence cannot be adduced without an oral hearing.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS YATES, LIGON, AND MILLER:



William H. McGilver
Executive Director

³ In re Junior's Enterprises, Inc., No. MP-01-103, Order No. 6549 (Feb. 21, 2002).

⁴ Id.